

McCormick, Barstow, Sheppard,  
Wayte & Carruth LLP  
James P. Wagoner, #58553  
*jim.wagoner@mccormickbarstow.com*  
Nicholas H. Rasmussen, #285736  
*nrasmussen@mccormickbarstow.com*  
Graham A. Van Leuven, #295599  
*graham.vanleuven@mccormickbarstow.com*  
7647 North Fresno Street  
Fresno, California 93720  
Telephone: (559) 433-1300  
Facsimile: (559) 433-2300

Attorneys for Plaintiff and Counter-  
Defendant New York Marine and General  
Insurance Company

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY,  
a New York corporation,,

Plaintiff,

v.

AMBER HEARD, an individual,,

Defendant.

Case No. 2:22-cv-04685-GW(PDx)

Consolidated for Pre-Trial Purposes  
with 2:21-cv-5832-GW (PDx)

**DECLARATION OF JAMES P.  
WAGONER IN SUPPORT OF NEW  
YORK MARINE'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

Date: July 27, 2023  
Time: 8:30 a.m.  
Dept.: 9D

Hon. George H. Wu

AMBER HEARD, an individual,

Counter-Claimant

v.

NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY,  
a New York Corporation,

Counter-Defendant

DECLARATION OF JAMES P. WAGONER

I, James P. Wagoner, declare as follows:

1. I am an attorney duly admitted to practice before the Courts of the State of California and before this Court. I am a partner with McCormick, Barstow, Sheppard, Wayte & Carruth LLP, attorneys of record for Plaintiff and Counter-Defendant New York Marine and General Insurance Company in the above-entitled action.

2. If called as a witness, I would and could competently testify to all facts stated herein from my personal knowledge except where stated upon information and belief and, as to these matters, I am informed and believe them to be true. I am submitting this Declaration in support of New York Marine's Motion for Judgment on the Pleadings.

3. On June 13, 2023, I participated in a telephonic conference with Kayla Robinson, counsel for Defendant and Counterclaimant Amber Heard. In that call, we discussed New York Marine's intention to seek a judgment on the pleadings as to the Third and Fourth Causes of Action in New York Marine's First Amended Complaint in this matter. In that call, no agreement resolving the dispute was reached and following that call the parties conferred and stipulated to consolidate the hearing so that both party's Motions For Judgment On The Pleadings would be heard concurrently on July 27, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed by me on June 22, 2023, at Aptos, California.

/s/ James P. Wagoner  
James P. Wagoner

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**PROOF OF SERVICE**

**New York Marine and General Insurance Company v. Amber Heard  
USDC Central District of California, Case No. 2:22-cv-04685-GW-PD**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On June 22, 2023, I served true copies of the following document(s) described as **DECLARATION OF JAMES P. WAGONER IN SUPPORT OF NEW YORK MARINE'S MOTION FOR JUDGMENT ON THE PLEADINGS** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY ELECTRONIC SERVICE (E-MAIL):** Based on a court order or an agreement of the parties to accept electronic service, my electronic service address is heather.ward@mccormickbarstow.com, and I caused the document(s) to be sent to the persons at the electronic service address(es) listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 22, 2023, at Fresno, California.

/s/ Heather Ward

Heather Ward

**SERVICE LIST**

***New York Marine and General Insurance Company v. Amber Heard***  
**USDC Central District of California, Case No. 2:22-cv-04685-GW-PD**

Kayla Robinson  
Kirk A. Pasich  
Pasich LLP  
10880 Wilshire Blvd., Suite 2000  
Telephone: (424) 313-7890  
krobinson@pasichllp.com  
kpasich@pasichllp.com

*Attorneys for Defendant and Counter  
Claimant Amber Heard*

John T. Brooks  
Jeffrey V. Commisso  
Andrea S. Warren  
Sheppard, Mullin, Richter & Hampton  
LLP  
501 W. Broadway, 19<sup>th</sup> Floor  
San Diego, CA 92101  
Telephone: (619) 338-6500  
Email: jbrooks@sheppardmullin.com  
Email: jcommisso@sheppardmullin.com  
Email: awarren@sheppardmullin.com

*Courtesy Copy – Via Email*

*Attorneys for Plaintiff and  
Counterclaimant Travelers Commercial  
Insurance Company in USDC Central  
District Case No. 2:21-cv-05832-GW,  
consolidated for pre-trial purposes*